

Shared Parental Leave Policy

This policy must be read in conjunction with the Parenthood Policy. It does not form part of any team members contract of employment and may be amended or withdrawn (in whole or in part) at any time and works in conjunction with respective policies as appropriate.

Who is this for?

This policy applies to:

- Team members
- Line managers

In the following countries:



When does it apply?

Shared parental leave (SPL) gives more choice in how two parents can care for their child during the first year of birth or adoption. Its purpose is to give parents more flexibility in considering how best to care for and bond with their child. Eligible parents who are sharing responsibility for a child can get shared parental leave in the first year after:

- The birth of their child
- Adopting a child
- Getting a parental order if they had the child through surrogacy

How much shared parental leave or pay eligible parents get depends on how much:

- Maternity entitlement the birth parent has taken
- Adoption entitlement the primary adopter has taken

It's the same amount even if the parents have:

- More than one baby, for example twins
- More than one child in the same adoption placement

Team members who are the birthing parent or primary adopter (regardless of gender identity, gender expression and sexual orientation) planning on using this policy must inform their line managers as soon as possible so they can prepare for the time required for leave, arrange cover and ensure that the team member can continue to work safely.

For either parent to get shared parental leave, the birth parent or primary adopter must do one of the following:

- End their maternity or adoption leave and return to work
- Give Whitbread notice to 'curtail' (end) their maternity or adoption leave early

Team members must notify their line managers at least eight weeks prior to the intended start date by using the [SPL Notification of Entitlement](#) form. In addition team members must also give notice to take the leave using the [SPL Booking form](#), giving at least eight weeks' notice. In many cases, notice to take the leave will be given at the same time as the original notification.

Line managers must contact [Employee Relations](#) if the team member is working on a Tier 2 Visa (Certificate of sponsorship) to ensure a change of employment application is completed.

Shared Parental leave and pay entitlements

Shared Parental Leave can only be used by the birthing parent/primary adopter and one of the following:

- The second parent, regardless of gender identity, gender expression and sexual orientation, on the birth certificate (in the case of birth)
- The spouse, civil partner or partner of the child's birthing parent/primary adopter.

Both parents must share the main responsibility for the care of the child at the time of the birth/placement for adoption.

Eligibility criteria:

TEAM MEMBER

Must have at least 26 weeks' continuous service by:

- The 15th week before the expected due date (EWC)
- The week notified of being matched with a child for adoption (EWP)

Must still be working for Whitbread at the start of each period of SPL.

Must be entitled to, or have a partner (regardless of gender identity, gender expression and sexual orientation) who's entitled to:

- Statutory maternity or adoption leave
- Statutory maternity or adoption pay or maternity allowance.

Must give proper notification of entitlement and leave in accordance with the rules set out in this policy.

TEAM MEMBERS PARTNER

(regardless of gender identity, gender expression and sexual orientation)

During the 66 weeks before the EWC or EWP must:

- Have been working for at least 26 weeks (they don't need to be in a row)
- Earn an average of at least the weekly [Lower Earnings Limit](#) during 13 of those weeks

It's compulsory for the birthing parent or primary adopter to take the first two weeks' leave immediately after the birth or placement. The maximum leave left to take is then 50 weeks. Provided eight weeks' notice of the intention to end maternity or adoption leave is provided

beyond the end date, the team member and partner, spouse or civil partner may be entitled to share the rest of the leave.

Team members will receive the following pay* when on Shared Parental Leave depending on their length of service at the beginning of the 15th week before EWC or the week notified of being matched with a child for adoption (EWP).

Length of continuous service at the points stated above	Entitlement
Less than 26 weeks	You may be entitled an allowance paid by the Government. If this applies, team members will be advised who to contact directly in the letter received after the details have been provided to SD Worx.
26 weeks to 24 months	Entitled to Statutory Shared Parental Pay (ShPP) which will be: 4 weeks' pay at 90% of their average weekly earnings 33 weeks of ShPP 13 weeks unpaid
More than 24 months	May be entitled to Company Shared Parental Pay which will be: 13 weeks of their average weekly earnings inclusive of SMP/SAP entitlement (if eligible) 13 weeks of pay at 50% of their average weekly earnings inclusive of SMP/SAP entitlement (if eligible) 13 weeks of ShPP (if eligible otherwise they may be entitled to an allowance paid by the Government) 13 weeks unpaid

**The weekly average of what the team member has been paid in the 8 weeks immediately prior to the 15th week before the EWC or the date the team member was notified of being matched with a child must be equal to (or above) the [lower earnings limit](#) to receive Statutory Shared Parental Pay (ShPP) (i.e. they pay National Insurance). Team members will be advised who to contact if they do not qualify for ShPP. Team members with more than one job may receive ShPP from each employer. The third 13 weeks of ShPP do not apply in the Isle of Man.*

The weekly average earning calculations may include bonus or incentive payments, back pay, salary adjustments, SSP or SMP.

Both Income Tax and National Insurance may be deducted from any pay received. Team members who receive a pay-rise between when entitlement is calculated or while they are on leave, will have their pay amended to reflect this. This may appear as a separate line on the payslip for the difference between what was originally calculated and the new salary/rate of pay.

Shared Parental Leave can only be taken in complete weeks but may begin on any day of the week. For example if a week of SPL began on a Tuesday it would finish on a Monday. If the team member returns to work between periods of SPL, the next period of SPL can start on any day of the week.

Team members have the right to submit up to three notifications specifying leave periods that they intend to take. Each notification may contain either continuous or discontinuous leave and must be given at least eight weeks before the leave is due to start. Any variation or cancellation notification, including notice to return to work early, will usually count as a new notification. However, a change as a result of a child being born early, or as a result of the line manager requesting it be changed (and this being agreed with the team member) will not count as further notification.

<p>Continuous leave is a single period of unbroken leave e.g. six months in a row</p>	<p>Discontinuous leave is a request for two to three periods of discontinuous leave where you intend to return to work between periods of leave.</p>
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If notice is for a single period of continuous leave, line managers can approve this without a meeting. However, if discontinuous leave is requested line managers may arrange a meeting with the team member to discuss how this can work for both parties, to meet business needs. Line managers must make all attempts to make the discontinuous leave request work for both parties but do have right to refuse it. If the leave pattern is refused, team members can withdraw the notification within 15 days of giving it or can take the leave in a single continuous block. Refer to **What makes it work?** section.

If the team member chooses to take the leave in a single continuous block, they will have until the 19th day from the date the original notification was given to choose when the leave period is to begin. The leave cannot start sooner than eight weeks from the date the original notification was submitted. If a start date is not specified, then the leave will begin on the first leave date requested in the original notification.

Fraudulent claims

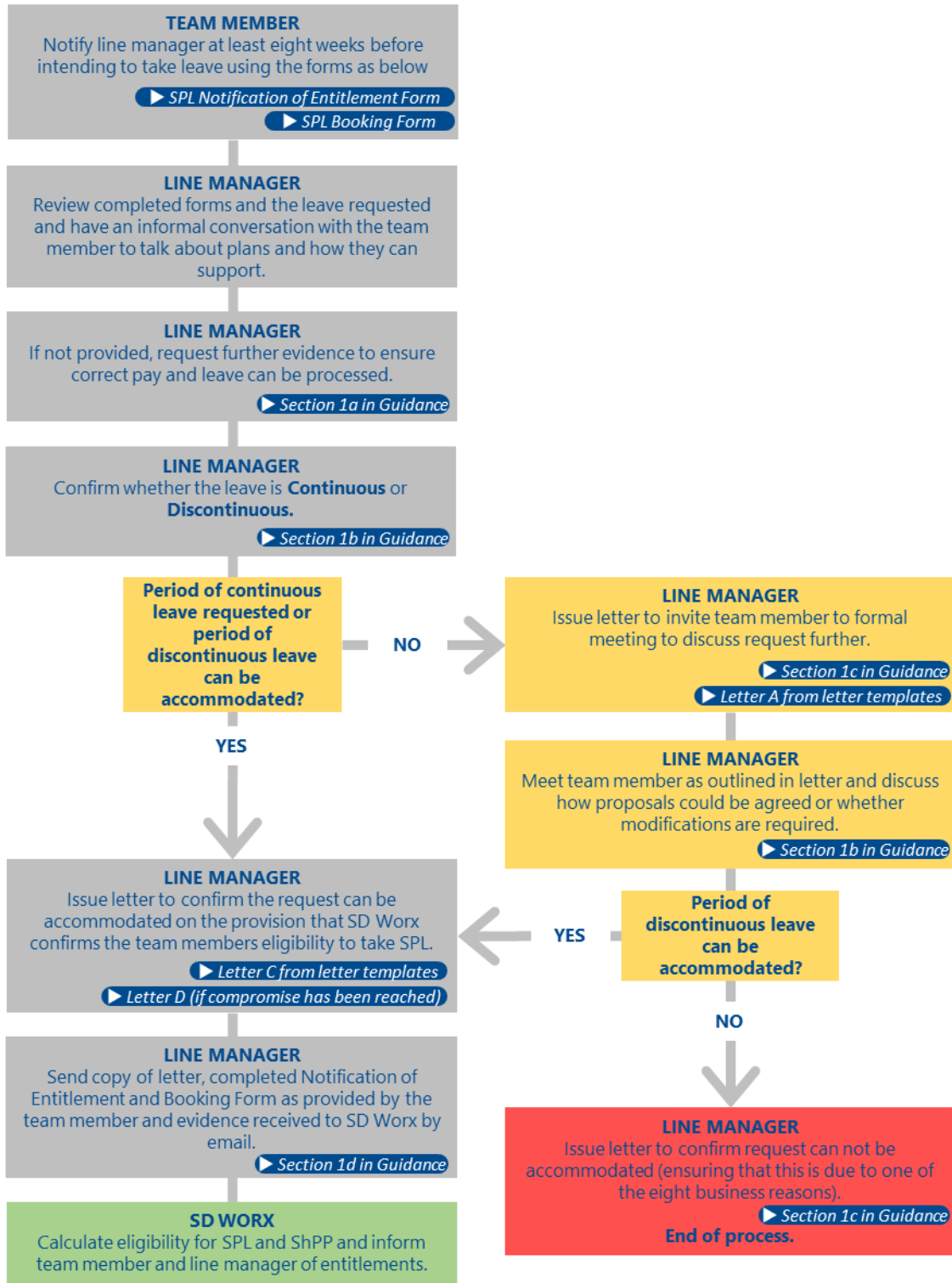
If there is a suspicion that fraudulent information may have been provided or where the organisation has been informed by the HMRC that a fraudulent claim was made, this will be investigated in line with the disciplinary procedure.

What makes it work?

Ways eligible parents could use shared parental leave include:

- The birth parent or primary adopter returns to work early from maternity or adoption leave and takes shared parental leave at a later date
- The birth parent or primary adopter returns to work and their partner takes shared parental leave
- Both parents are off at the same time
- Both parents share shared parental leave evenly and are off at different times
- Both parents return to work at the same time and take shared parental leave at a later date

Once a team member has notified their line manager of their intention to use the Shared Parental Leave policy, the following steps will be taken (refer to **How does it work?** for more detail on these steps):



Summary of the key points

- Team member must give 8 weeks’ notice with regards to notification of SPL, booking SPL and varying SPL.
- Letters from the line manager as to agreement of a period of SPL are dependent on confirmation from SD Worx that the team member is eligible
- Periods of continuous leave should always be approved

- A business reason is required if a period of discontinuous leave cannot be accommodated.
- Team members are entitled to request three notifications of SPL. This includes the original request, any variations to the leave and returning from leave earlier than planned
- Line managers should only send periods of leave that have been approved to SD Worx for processing.
- Any periods of leave that are not approved, should be retained for future reference and do not need to be sent to SD Worx. Non-approved requests are included in the count for how many notifications have been submitted (three maximum).
- Team members are entitled to 20 SPLIT days (see **How does it work?** section).

The table below outlines roles and responsibilities team members at Whitbread have for making this policy work:

TEAM MEMBERS

Accountable for:

- Completing the notification and booking forms to ensure leave and pay are set up correctly.
- Notifying their line manager about the request to use Shared Parental Leave with at least eight weeks' notice before the 15th week before the Expected Week of Childbirth (EWC) or EWC or the week notified of being matched with a child for adoption (EWP)
- Discussing any workplace adjustment requirements with their line manager.
- Giving at least eight weeks' notice of any changes to the original agreed leave.

Responsible for:

- Keeping the line manager updated of any potential changes to the start date of leave.
- Providing details, ideas or examples of any reasonable adjustments that could help to work safely during pregnancy.
- Agreeing with the line manager routines and practices to keep in contact for when on leave.
- Keeping the line manager updated on considerations for the return to work.
- Taking any accrued holiday entitlement and up to one week more before starting leave.

LINE MANAGERS

Accountable for:

- Ensuring the team member is clear on their accountabilities and responsibilities in the Parenthood policies and that they are made available for them to read.
- Maintaining and respecting the confidentiality of the team member if requested.
- Sending any documentation received from the team member to SD Worx. For hourly paid team members, line managers may need to create a default timesheet

within WFM to ensure the team member doesn't feature on any dormancy reports and are paid correctly.

- Working through any potential workplace adjustments to support the team member.
- Ensuring the team member continues to:
 - Have the same opportunities for development, career as other team members
 - Informed of any vacancies that may be of interest
 - Notified of important communication (such as organisational or team changes)
- Contacting Employee Relations if the team member is working on a Tier 2 Visa (Certificate of sponsorship) to ensure a change of employment application is completed.
- Agreeing and processing any agreed Shared Parental Leave in Touch (SPLIT) days.
- Ensuring the team member has a positive return to work experience including the use of a [Parenthood buddy](#) if appropriate.
- Responding to and actioning any requests to end leave sooner than the originally agreed date.

Responsible for:

- Encouraging the team member to take all accrued holiday plus one week up to the point of going on leave before the leave starts. For salaried team members, any bank holidays that fall during the period of leave will need to be added to the team members outstanding holiday entitlement by emailing whitbreadhrservice.centre@whitbread.com
- Agreeing and actioning the amount and frequency of contact that will be maintained during the maternity leave with the team member.

How does it work?

Contents of sections below

1. Further detail on the process steps
2. Performance Reviews
3. Whilst on leave
4. Returning to work
5. Data management in the process

1. Further detail on the process steps

a. Evidence required

Upon receipt of the completed notification and booking form, at least eight weeks prior to the intended start date, the following further evidence may be required to ensure correct eligibility and that any pay and leave can be processed accurately. This can be requested within 14 days of the notification being received:

- The name and business address of the team member's partner's employer (where the partner is no longer employed or is self-employed, the partners contact details must be given instead)

- A copy of the child's birth certificate (or, where one has not been issued, a declaration as to the time and place of the birth i.e. MATB1 form)
- Documentary evidence of the name and address of the adoption agency, the date of the notification of having been matched with the child and the date on which the agency expects to place the child for adoption.

Line managers are not required to calculate whether the team member is eligible to take SPL or receive ShPP and formal confirmation of entitlement will come from SD Worx.

b. Continuous and Discontinuous leave

Outcomes depending on the type of leave that has been requested (refer to **When does it apply**):

CONTINUOUS LEAVE	DISCONTINUOUS LEAVE
A formal meeting is not required as all periods of continuous leave should be approved. Follow the steps in the process flow.	<p>If the leave can be accommodated a formal meeting is not required and the steps in the process flow can be followed.</p> <p>If there are questions over whether the leave periods can be accommodated a formal meeting must be organised.</p> <p>Team members are entitled to be accompanied to any formal meetings.</p>

c. Formal meetings

Line managers and the team member will need to discuss in detail the leave proposed and what will happen whilst they are away from work. The discussion may also focus on how the leave proposal could be agreed, or whether a modified arrangement would be agreeable by. Line managers should try and agree the leave unless there are business needs as to why it cannot be agreed. There are eight business reasons as to why it may not be able to agree a period of discontinuous leave:

- The burden of additional costs
- Detrimental effect on ability to meet customer demand
- Inability to reorganise work among existing staff
- Inability to recruit additional staff
- Detrimental impact on quality
- Detrimental impact on performance
- Insufficiency of work during the periods the employee proposes to work; and/or
- Planned changes

If it is not possible to accommodate the leave the team member can withdraw their notification within 15 days of giving it (in this instance it will not count as one of their three notifications) or they can take the leave in a single continuous block. By choosing to take the leave in a single continuous block, they cannot start it sooner than eight weeks from when the original booking notice was given. If an alternative date isn't chosen, the start date on the original booking form should be used. Line managers must send the team member LETTER B to confirm that the request could not be accommodated.

d. Sending details to SD Worx

Once the line manager has issued the relevant letters, the SPL Notification of Entitlement form and SPL Booking form must be sent to SD Worx at whitbread@sdworx.com. Scans or clear photographs of all sides of the forms must be sent to ensure D Worx can confirm the employee's entitlements.

The submitted email requires the following information to be provided:

- Team member number and name
- Site name
- Date SPL Notification of Entitlement form and signed declaration was received
- Date 1st SPL Booking Notice Receipt Confirmed by line manager (if applicable)
- Date 2nd SPL Booking Notice Receipt Confirmed by line manager (if applicable)
- Date 3rd SPL Booking Notice Receipt Confirmed by line manager (if applicable)

Once both forms have been sent to SD Worx, they will calculate whether the team member entitled to both SPL and to ShPP. Once calculated, SD Worx will inform both the line manager the employee of their entitlements, in writing (by email and letter respectively).

2. Performance Reviews

Line managers will aim to conduct Half Year or End of Year Review prior to the start of leave.

If the team member is on leave during the performance review periods (normally March and September), the ratings received prior to the leave starting will remain in place. This rating will be used in calculating any performance-related pay review, and any entitlement to Bonus, whilst the team member is on leave.

3. Whilst on leave

Prior to the team member going on leave, line managers must agree and action the amount and frequency of contact that will be maintained during the leave with the team member.

Shared Parental Leave in Touch days (SPLIT)

Team members on shared parental leave are entitled to 20 paid "Shared Parental Leave in Touch" (SPLIT) days. These are really important in helping to support a team member on leave to feel connected to their role, business and their teams and prepare them for their return to work. There is no obligation on the team member taking these days and days taken do not affect the Shared Parental Leave period in any way.

SPLIT days can be used to attend training, meetings, undertake some work or spend some time with the team. Double shifts or split shifts must not be worked as a SPLIT day.

SPLIT days can be taken as single days or a block of days, as agreed between team member and line manager.

Pay for SPLIT days will be calculated as:

- Hourly paid – the normal hourly rate for the hours actually worked. Team members must clock in and out as normal, so the hours worked are accurately recorded. As the team member will be on leave on HRe, SD Worx will automatically process it as a SPLT day.

- Salaried - payment for each SPLIT day is be calculated by dividing the annual salary by 52 (weeks) then by the number of days the team member is contracted to work in a normal week to give an accurate daily rate. Team members will need to agree with the line manager, whether they will work for either half a day (3.5 hours or less) or a full day (usually not in excess of 7 hours or a normal working shift, including breaks). Line managers must process this by emailing whitbread@sdworx.com with the details of when the SPLIT day took place and details of how much should be paid before payroll cut-off for that month.

Any work carried out whilst on leave will be classed as a SPLIT day. Therefore if a team member attends work for a 1-hour meeting, they will have used 1 of their SPLIT days.

Only KIT days can be carried out whilst on Maternity/Adoption Leave. SPLIT days (Shared Parental Leave in Touch days) are only available during Shared Parental Leave. Please refer to the [Maternity Policy](#) for more information.

Holidays

Team members must try to take all accrued holiday entitlement and up to 1 week more than accrued, before the start of leave. Holidays will continue to accrue as normal whilst on leave. If the leave spans two holiday years, and the team member has not been able to take the accrued holidays, the remaining holidays (accrued during leave) from one year will be carried over into the next year, to be booked as annual leave on the team members return to work.

For salaried team members, any bank holidays that fall during the period of leave will need to be added to the team members outstanding holiday entitlement by emailing whitbreadhrservice.centre@whitbread.com.

Team members who resign whilst on leave and have any outstanding holiday pay due will be paid, based on the difference between the amount already taken and the entitlement accrued. However, if the team member has taken more holiday than accrued, their final pay will be deducted by the amount overpaid.

Bonus

Any discretionary bonus entitlement is not affected by the leave and team members will receive bonus for the financial year(s) in question, in line with the current bonus scheme rules.

Privilege Card and Your Benefits Website

Use of the Privilege Card continues during leave and team members can access their benefits on the [Benefits Page](#) .

Sharesave

Payments can continue to be made into a Sharesave account whilst on leave. Whilst still receiving payment from Whitbread, savings will continue to be deducted via payroll in the normal way. In weeks/months of no pay from Whitbread, team members can elect to set up a Standing Order with the Share Plan provider directly, to cover the monthly savings during this time.

Team members on leave can also choose to postpone saving for up to a period of 12 months at any time, but for each month deferred, the maturity date will be postponed by

one month. If more than 12 months payments are missed, the account will automatically be closed, a refund of the total savings will be made to the team member, and they will no longer have the option to purchase shares.

Team members who decide not to return to work following leave, will no longer have the option to purchase shares at the end of the savings period. Team members will need to close their account and arrange for their savings to be returned. Any queries must be directed to Link on 0344 855 2327 with any queries.

Company car (including cash allowance), mobile phone and laptop

These benefits are maintained whilst on leave.

Any calls made on a Company mobile phone whilst on leave will need to be paid for as they will be classed as personal calls.

Policies and processes regarding Information Security and social networking remain in place during periods of leave.

Pension

Team members who are members of the Whitbread Pension Scheme, will continue to make contributions at the level they were before they went on leave. Contributions will be based on actual pay.

If during leave, the team member receives no pay from the Company, Whitbread will not make any contribution to the pension for that period. Life cover will continue during leave for those who have selected this option.

Bupa

Team members with private healthcare, will remain covered whilst on leave. Bupa should be contacted on 0345 6050 251 for any specific questions regarding cover or healthcare needs.

4. Returning to work

Our Diversity and Inclusion policy outlines how we value difference at Whitbread and line managers supporting team members returning from leave well is a great way to demonstrate:

- We believe in equal opportunities for all, with no barriers to entry and no limits to ambition.
- We treat everyone fairly, with respect and kindness. We have zero tolerance to discrimination.

Line managers must work closely with team members on leave to ensure a smooth and considered return to work taking into consideration the life changes the team member will be experiencing and the additional support that may be required. This may include reviewing the hours, days or times of work to ensure a balanced approach to home and work life. The Parenthood Policy outlines some of the other policies and areas that can support throughout the different stages of Parenthood. These include use of the Flexible Working and Workplace Adjustments policies, the support available on the Wellbeing Hub and from Nest who work in partnership with Hospitality Action and the use of a Parenthood buddy if appropriate.

Team members who would like to return before the end of their agreed leave are required to give eight weeks' notice period. This must be in writing to the line manager and if not received may result in the return being postponed allowing for the eight weeks' notice (so long as this is not later than the original expected return date). This is to ensure the line manager has time to review the temporary arrangements and cover for the period the team member is on leave. This will count towards one of the three notifications.

Notice is not required if the team member is taking their full leave entitlement or planning on returning on the date as agreed.

A team member returning from Ordinary Shared Parental Leave (before 26 weeks) is entitled to return to the same job employed before the leave. When returning from Additional Shared Parental Leave (between 27 and 52 weeks) the team member is also entitled to return to the same job, however in instances where this is not reasonably practicable to do so, they must be offered a suitable and appropriate job on terms and conditions that are no less favourable.

Line managers should take time to make the team member aware of any changes which have occurred while away and re-familiarise ways of working. Introductions should be made to new team members and updates given about team and business changes. Any passes/swipe cards/email accounts etc should be reactivated and consideration should be given to providing a [Parenthood buddy](#) to support the transition back to work.

Time off for emergencies

Team members have a legal right to reasonable time off to look after a dependant, such as a child or partner. Refer to the [Time off for Dependants](#) policy.

Resignation

Should a team member wish to not return to work following leave, then the usual resignation process applies, and the team member must put this in writing to their line manager giving contractual notice and their intention to resign.

If the team member does not return to work once leave has finished without contacting their line manager, this absence will be regarded as unauthorised, and the [Unauthorised Absence](#) policy will apply.

5. Data Management in the process

It is important that you store any sensitive or personal data securely and in line with the Data Protection Guidance contained within the iSAT e-learning modules, Group Data Protection Policy and within the Finance Procedure Manual. Failure to follow the Data Protection Guidance will be treated seriously and may result in disciplinary action.

- Do make sure personal or sensitive data that you gather is stored securely.
- Hard copy documents should be held in a locked cabinet and access should be restricted to those who require access to do their roles.
- Electronic files must also be stored securely on a company server and must be password protected.

Updates to this policy

Published **March 2023**

Last updated **March 2023**

- Replaced previous Maternity, Adoption, Paternity, Shared Parental Leave, Parental Leave policies to restate Whitbread's position on Parenthood and make clearer accountabilities/responsibilities for team members and line managers.

September 2021

- Language updated to be more inclusive based on feedback from network groups

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